

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

Plaintiff,

Case No. 09-CR-043-SPF

v.

LINDSEY KENT SPRINGER,
OSCAR AMOS STILLEY

MOTION TO RECONSIDER RELEASE ON BOND
AND FOR EVIDENTIARY HEARING

Lindsey K. Springer(Springer) moves the court for reconsideration of it's denial of release on bond pending appeal and for an evidentiary hearing regarding risk of flight and danger to the community. This motion is made pursuant to Title 18 Section 3143 and Rule 8 & 9 of the Federal rules of appellate procedure.

Appellant moved for release on bond pending appeal in writing on April 23, 2010. The Tax Division after sentencing moved for remand of Springer into custody of the U.S. marshals. This court denied appellant's request finding it was not convinced appellant would remain in the local community if he was released pending appeal. This court also found that because of appellant's 15 year sentence appellant's conditions related to risk of flight had substantially changed without any explanation whatsoever. This court also concluded none

of appellant's issue were likely to reverse, dismiss or result in a new trial.

On May 4, 2010, Springer moved this court for an order of release amending his original motion after being granted leave to exceed the page limit. On May 5, 2010, Springer moved the 10th circuit for release on bond pending appeal. On May 6, 2010 the Tax Division opposed Springer's amended motion in this court. On May 7, 2010, this court denied Springer's amended motion for release restating its reasons it gave on April 23, 2010.

On May 19, 2010, after being ordered by the 10th circuit, the Tax Division filed its opposition to Springer's motion for release at the 10th circuit arguing in part that a tax return and a tax form were exclusive of each other. The Tax Division further informed the 10th circuit this court's construction of certain words in United States v. Dawes, ???, was wrong and that the specific words this court relied upon in denying Springer's motion for new trial were rejected dictum instead of a holding. Springer replied to the 10th circuit regarding his motion for release and on June 1, 2010, the 10th circuit with Judge Henry and Tymkovich denied Springer his relief and liberty solely based upon this court's findings that Springer is a flight risk.

Springer now requests an evidentiary hearing on whether he is a flight risk. On April 23, 2010, the government moved to remand Springer and Springer was unable at that time to present sufficient evidence he is not a flight risk. Springer will present evidence at the hearing that he is not a flight risk and that this court can impose conditions to ensure itself Springer will not flee. Springer has 4 cases

pending in the 10th circuit but his appeal in this case is the most complicated. Springer needs at least a chance to help present his best issues on appeal as he is likely to prevail on his PRA claims. There are so many combinations of conditions to assure Springer will not flee that the Tax Division can hardly argue otherwise. Such as home detention, home monitoring, an ankle bracelet with phone and satellite surveillance and each would ensure Springer is no risk of flight. At hearing, Springer will present evidence of his ties to the community, family and his 100% compliance with every condition placed upon him from this court's officers including Randall drew, Scott Kallenberger and todd Golihare. Furthermore, Springer will present satisfactory evidence to the court's demands in satisfying any convincing needed.

Therefore, Lindsey K. Springer requests this court to allow Springer an evidentiary hearing on whether he is a flight risk and to reconsider releasing Springer on appeal with certain conditions or combination of conditions which will guarantee to this court Springer will never flee.

Respectfully Submitted

/s/ Lindsey K. Springer
Lindsey K. Springer
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Lindsey Kent Springer's Motion to Unseal was ecf'd on June 1, 2010 to:

Kenneth P. Snoke,
Charles O'Reilly,
Oscar Stilley

/s/ Lindsey K. Springer
Signature